

REMARKS

The Applicants note that all cancellations and amendments of claims made herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

Claims 11-21 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicants have amended the claims to make them more clear. In particular, the trapezium has been described as a gear in the amended claims and the case is described as having a opening through which the barrel extends. Support for this amendment, and for the other amendments, may be found in the substitute specification at page 7, first full paragraph, second full paragraph, and third full paragraph, and in the figures.

Claims 11 and 21 are rejected under 35 U.S.C. 102 (b) as anticipated, or in the alternative, under 35 U.S.C. 103 (a) as obvious over U.S. patent 4,298,150 to Seldeen. Claim 15 is rejected as under 35 U.S.C. 102 (b) as anticipated, or in the alternative, under 35 U.S.C. 103 (a) as obvious over U.S. patent 6,112,962 to Matthews. Neither of these patents teach each of the claims as amended. Thus, the claims as amended are not anticipated and are not obvious because the references do not teach or suggest each element of the claims as required for a prima facie of obviousness. In particular, neither of the cited patents disclose a holster for a firearm wherein the holster comprises a gear configured to engage a safety on a gun so that the forward movement of the gun in the holster causes the safety to engage the opening thereby moving the safety to on "off" position so that the gun can be fired. The '150 Patent discloses a fabric holster that does not comprise any means by which the holster engages the safety on a gun placed in the holster. This is especially illustrated in Figure 2 where the safety does not engage the holster. The '962 Patent discloses a rigid holster, but the main purpose is to provide a holster from which the gun cannot be removed by an unauthorized person. There is no means by which forward

¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

movement of the gun within the holster causes the safety of the gun to be moved to an "off" position so that the gun can be fired.

Accordingly, Applicants respectfully submit that the rejections should be withdrawn and the claims passed to allowance.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated: December 10, 2008

/John Mitchell Jones/

J. Mitchell Jones
Registration No. 44,174
CASIMIR JONES, S.C.
440 Science Drive, Suite 203
Madison, WI 53711